

1 THOMAS F. PITARO, ESQ.
2 Nevada bar No. 1332
3 PITARO & FUMO, CHTD.
4 601 Las Vegas Boulevard, South
5 Las Vegas, Nevada 89101
6 (702) 474-7554 Fax (702) 474-4210
7 Attorney for Defendant – JUSTIN FISHER

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 * * *

11 UNITED STATES OF AMERICA,) 2:17-cr-00073-APG-GWF-1
12 Plaintiff,)
13 v.)
14 JUSTIN FISHER, and)
15 JOSHUA FISHER,)
16 Defendant.)

17 **STIPULATION AND ORDER TO CONTINUE EVIDENTIARY HEARING**

18 IT IS HEREBY STIPULATED AND AGREED by and between THOMAS F. PITARO,
19 ESQ. Counsel for Defendant JUSTIN FISHER, WILLIAM B. TERRY, ESQ., Counsel for
20 JOSHUA FISHER, and ELHAM ROOHANI, Assistant United States Attorney, that is currently
21 scheduled for May 11, 2018 at 9:30 a.m. be vacated and reset to a date and time convenient to
22 the court but no earlier than after June 26, 2018 and/or 60 days.

23 This Stipulation is entered into for the following reasons:

- 24 1. Defendants are in custody. That said, Counsels has spoken to the Defendants and
25 they have no objection to the request for continuance.
26 2. Counsel for Defendant has spoken to AUSA Roohani and she has no objection to the
27 continuance.
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- 1 3. AUSA Roohani has a conflicting schedule and has a hearing in another courtroom.
- 2 4. Counsel needs additional time for the Expert to evaluation both defendants.
- 3 5. Denial of this request for continuance could result in a miscarriage justice.
- 4
- 5 6. The additional time requested by this stipulation is excludable in computing the time
- 6 within which trial herein must commence pursuant to the Speedy Trial Act, Title 18,
- 7 United States Code, Section 3161 (h)(1)(F) and Title 18, United States Code Section
- 8 3161 (h)(7)(A) considering the factors in Title 18, United States Code, Sections 3161
- 9 (h)(7)(B)(I) and 3161 (h)(7)(B)(iv).
- 10
- 11 7. For all the above-stated reasons, the ends of justice would best be served by a
- 12 continuance of the Evidentiary Hearing until a date and time convenient to the court.

13 This is the first request for continuance filed herein.

14 DATED: May 9, 2018

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16

17 /s/

18 THOMAS F. PITARO ESQ.

19 601 LAS VEGAS BOULEVARD, S

20 LAS VEGAS, NEVADA 89101

21 ATTORNEY FOR THE DEFENDANT

22 JUSTIN FISHER

17 /s/

18 ELHAM ROOHANI

19 ASSISTANT UNITED STATES ATTORNEY

20 501 LAS VEGAS BOULEVARD SOUTH. #1100

21 LAS VEGAS, NEVADA 89101

22 ATTORNEY FOR UNITED STATES OF

23 AMERICA

22 /s/

23 WILLIAM B. TERRY, ESQ.

24 530 SOUTH 7TH STREET

25 LAS VEGAS, NEVADA 89101

26 ATTORNEY FOR DEFENDANT

27 JOSHUA FISHER

28

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7 Attorney for Defendant – JUSTIN FISHER

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 * * *

11 UNITED STATES OF AMERICA,) 2:17-cr-00073-APG-GWF-1
12 Plaintiff,)
13 v.)
14 JUSTIN FISHER,)
15 Defendant.)

16 **FINDINGS OF FACT**

17 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
18 Court finds:

19 This Stipulation is entered into for the following reasons:

- 20 1. Defendants are in custody. That said, Counsels has spoken to the Defendants and
21 they have no objection to the request for continuance.
22 2. Counsel for Defendant has spoken to AUSA Roohani and she has no objection to the
23 continuance.
24 3. AUSA Roohani has a conflicting schedule and has a hearing in another courtroom.
25 4. Counsel needs additional time for the Expert to evaluation both defendants.
26 5. Denial of this request for continuance could result in a miscarriage justice.
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6. The additional time requested by this stipulation is excludable in computing the time within which trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161 (h)(1)(F) and Title 18, United States Code Section 3161 (h)(7)(A) considering the factors in Title 18, United States Code, Sections 3161 (h)(7)(B)(I) and 3161 (h)(7)(B)(iv).

7. For all the above-stated reasons, the ends of justice would best be served by a continuance of the Evidentiary Hearing until a date and time convenient to the court.

This is the first request for continuance filed herein.

CONCLUSIONS OF LAW

Denial of this request for continuance would deny the parties herein the opportunity to effectively and thoroughly prepare for the Evidentiary Hearing.

Additionally, denial of this request for continuance could result in a miscarriage of justice.

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1 **ORDER**

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3 IT IS HEREBY ORDERED that the Evidentiary Hearing currently scheduled for May

4 11, 2018, at 9:00 a.m., be continued to the **3rd** day of **July**

5 **2018** at **9:30 AM**, in courtroom **3A.**

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7 DATED this 10th day of May, 2018.

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10 UNITED STATES MAGISTRATE JUDGE

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